

Connecticut Property Owners Alliance, Inc

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Evicted Tenant Possessions; Eliminating The Burden

This testimony regarding the moving and storage of evicted tenant possessions was prepared by Robert De Cosmo, President of the CT Property Owners Alliance, Inc.

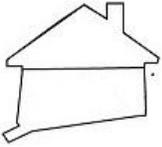
When we look back to 2010 when the legislature shifted the transpiration cost for evicted tenant's possessions from the city to the property owner assurances were made this would be relatively small cost for the owner. Three years later, clearly this is not the case as cities paid far less than a private owner does today because the volume of work given to the city's moving vendor created discounted pricing, not the individual pricing all owners must pay today. Additionally, making the Marshal responsible for the tenant's items and require they follow the moving truck to the storage facility added needless extra costs to the procedure for the property owner.

Prior to 2010, the fee I paid for an execution including the moving cost was between \$275 to \$400 dollars per event. Today the minimum cost is approximately is \$750 and an average deposit requested by a Marshal in most communities is \$1,500 to schedule a move-out. In non-payment evictions this adds insult to injury because sometimes an owner can't produce the deposit so these items sit in the evicted tenant's unit and the owner can not proceed with repairs or re-rent the apartment until the Marshal move the items.

Today's discussion is about eliminating the city's mandate and shifting the storage costs to another party. The CTPOA requests the burden not be passed to the property owner as they need every dime of operational income to maintain their properties and pay obligations. Adding new costs for a property owner will have negative consequences and become detrimental to an owner. We suggest the tenant be made responsible for the costs of moving and storing their own items.

The property owner and city truly need to be out of this tradition of paying to move and store the evicted tenant's items because the tenant must be responsible for all costs under CGS 47a-42 (c) as it clearly identifies the tenant (defendant) as being responsible for these costs. Lost rent, legal fees, unit repairs and re-leasing fees approach \$6,000 in CT for a typical eviction; adding to these costs is not a good solution for the taxpayers.

One simple improvement to consider is providing the marshals with a broad standard to decide when items left behind are actually abandoned and need not be moved or stored. Often, items such as electronic equipment, food, clothing and footwear have been removed but some furniture is left behind. This is a strong indicator the tenant is gone because often the furniture behind is rented and not actually owned by the tenant!



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As we know, when we do move and store evicted tenant possessions, in 4 out of 5 instances the city just throws away the items as evidenced in previous studies on this subject because the tenant never redeems these items. The CTPOA suggests solving the problem as follows;

1. All eviction paperwork be updated to notify the tenants they are responsible for moving their own possessions from their apartment by the expiration of the execution or their possessions will be considered abandoned and the owner will dispose of them.
2. Tenants wishing to keep their possessions must notify the designated agent for the city they need to store their belongings and will arrange to bring their items to the city facility at their own expense prior to the execution expiration.
3. Upon expiration of the execution, all items left behind shall be considered abandoned and the owner may dispose of these items in any legal fashion.

To reiterate, statistics suggest that only a small number of cases, less than 10% require a Marshal to hire a moving company and remove the tenant's items for storage. In 80% of these cases, the tenant never reclaims their items in storage.

The State of Connecticut, not the owners or the cities should help the 20% of tenants that require more time and perhaps a loan fund for tenants can be created to fund this cost. The cost of moving can be greatly reduced if the tenant does it themselves, a 24' rental truck driven for 20 miles will cost less than \$60 a day so we should be able to make a revolving low interest fund available to tenants without great exposure.

In conclusion, changing how we handle evicted tenant's possessions as suggested above solves the mandate and is a win-win for all parties as it;

1. Provides mandate relief to the city as ~80% of tenants never reclaim these items
2. Relieves the property owners of unfairly paying for someone else's expense
3. Protects tenants who need time to locate a new apartment and must have temporary storage
4. Stops a dangerous trend of owners giving cash for keys to non-paying tenants as an alternative to the expense and time-frame of pursuing an eviction through the courts

The CT Property Owners Alliance is willing to help refine a policy for Connecticut with the M.O.R.E Commission and bring it to the Legislature for approval. We are also willing to participate in any panel or task force on this subject to help solve the dilemma of how to equitably deal with evicted tenants possessions.